

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 11, 1948

10:50 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

A committee from the Austin Council of Parent-Teacher Association, with Mrs. Hal Bybee and Frederick Isely as spokesmen, came before the City Council and tendered the cooperation and services of said organization in handling cases involving sex offenses, and submitted the following recommendations in writing:

"Austin, Texas
March 10, 1948

To the Honorable Tom Miller, Mayor,
and City Council of Austin, Texas.

In view of the recent occurrences involving the efforts of certain individuals to victimize school children and in light of the fact that the present law does not adequately cover offenses of this nature, the Legislation and Civic Affairs Committee of the Austin Council of P.T.A. after due deliberation and study respectfully submits to the Honorable Mayor and City Council of Austin, Texas, the following recommendation:

1. Persons committing sex offenses (where offense not aggravated) to be committed to the Texas State Hospital under the procedure prescribed by Art. 3193-0-1, Revised Civil Statutes of Texas as amended.

2. Increase the personnel of the Crime Prevention Division of the Austin Police Department.

Recognizing the fact that this situation will be present as long as society itself exists, your P.T.A. Council Committee proposes to continue to work on this social problem in the following manner:

1. With the help of the Police Department and county and state officials, prepare legislation so that we may have law that adequately covers such offenses and offenders.

2. This committee will be maintained as a standing committee to be ready at all times to cooperate with you as specific problems arise, and to act as an agent to disseminate authoritative information through the various P.T.A.'s to the parents, and further to assist in any parent education program and related matter that might properly be devised.

Respectfully submitted,

(Sgd) Mrs. Hal P. Bybee, Chairman

" Mrs. W. T. Decherd

" Mrs. Richard N. Lewis

" Mrs. Clark Campbell

" Mrs. J. E. Johnson

" Frederik P. Isely

" Mrs. C. N. Bustin, Jr.

" Mrs. Hob Gray

" Mrs. Darrell Roe

" Mrs. Hemer Shaw, Pres.

Austin City Council P.T.A. "

The committee were advised that the City Council would endeavor to follow their recommendations, and would increase the personnel of the Crime Prevention Division.

A committee from the Austin Real Estate Board, with Landon Bradfield, Chairman of the Civic Affairs Committee of said Board, as spokesman, came before the City Council and submitted the following written communication:

" March 11, 1948

To the Honorable City Council:

RESOLUTION

The following resolution is respectfully submitted to the City Council for their consideration:

That the Austin Real Estate Board disapproves the proposed new passenger station to be erected by the Missouri Pacific Railroad on a site west of Lamar Boulevard.

Further, that the Austin Real Estate Board recommends to the City Council that immediate steps be taken to employ a competent railroad engineer to make a complete survey and report regarding re-routing

of various railroad tracks within the City as proposed in the City's Master Plan for the purpose of vigorously and aggressively bringing to a final culmination the Master Railroad Plan of the City.

Respectfully submitted,

THE AUSTIN REAL ESTATE BOARD

By (Sgd) Chester C. Buratti
Secretary-Treasurer. "

The committee further asked that the City Council instruct the City Attorney to join with the Real Estate Board in a request for postponement of hearing before the Railroad Commission on March 17 until the survey is made by the railroad engineer and it is determined whether the City wants to go ahead with the plan for relocating the railroads as contained in the Master Plan.

A lengthy discussion of the matter was then entered into, in which the Mayor pointed out that the location of the new station at the proposed site would in no way affect the re-routing of the railroads in the future as contained in the Master Plan, and that the purpose of the Railroad in asking for the new station was to save time on its schedule.

Following which, it was moved by Councilman Thornberry that the City Council leave to the Railroad Commission the matter of deciding the location of the proposed Missouri Pacific depot, without action of the City Council. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The Mayor then stated to the committee that the City Council would try to find an engineer as soon as possible to make the railroad survey and would consider any names that the Real Estate Board may wish to submit, with a view to determining the cost of moving the railroads as recommended in the Master Plan.

Donald Kuhn came before the Council and requested that angle parking on Guadalupe Street between 39th and 45th Streets be retained and not changed to parallel parking as contemplated. He was advised that under the uniform traffic code recently passed by the Legislature, the State prescribes parallel parking for streets designated as highway, but that he and others on the street would be notified before any change is made.

Jack Lander, parade marshal for the University of Texas Round-up parade, came before the Council and requested permission to have their parade on April 9. The matter was referred to the Police Department for attention.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in JOSEPHINE STREET, from Juliet Street to Hillmont Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Josephine Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in HILLMONT STREET, from Josephine Street west to end of street, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Hillmont Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in JESSIE STREET, from Juliet Street to Hillmont Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Jessie Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in JUSTIN LANE across Woodrow Avenue intersection, the centerline of which gas main shall be 7 feet north of and parallel to the south property line of said Justin Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in NAVASOTA STREET, from East 13th Street southerly 97 feet, the centerline of which gas main shall be 16 feet west of and parallel to the east property line of said Navasota Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in EAST 50TH STREET, from Eilers Avenue westerly 100 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 50th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in COMAL STREET, from East 6th Street northerly 75 feet, the centerline of which gas main shall be 8 feet west of

and parallel to the east property line of said Comal Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Harry S. Wilder, Jr., for the laying of certain sanitary sewer mains and other pipes in Wilder Addition Section I, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and HARRY S. WILDER, JR., of Travis County, State of Texas, hereinafter for convenience sometimes called the

Customer, W I T N E S S E T H :

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes in Wilder Addition Section I on the streets and easements at the locations described as follows:

Six-inch (6") cast iron sanitary sewer line in Woodrow Avenue, from the end of the present sewer in place at Lot 12, north to Lot 14, a distance of approximately 600'.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Seventeen Hundred Dollars (\$1700.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish sewer to him, agrees to deposit the sum of Seventeen Hundred Dollars (\$1700.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the sewer lines described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted herein under provisions of Paragraph V) even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

City Clerk

By _____

City Manager

Approved:

Harry S. Wilder, Jr.

Director of Utilities

Director of Public Works

City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Gordon Worley for the laying of certain water mains, sanitary sewer mains, and other pipes in Worley Addition Subdivision, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS;
COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and GORDON WORLEY, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer;
W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes in Worley Addition Subdivision on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains in Caswell Avenue from East 48th Street north approximately 175'; in East 48th Street, from Caswell Avenue to Red River Street, a distance of approximately 480'.

Two-inch (2") cast iron water main in Red River Street, from East 48th Street to north side of Worley Addition, a distance of approximately 290'.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes in Worley Addition Subdivision on the streets and easements at the locations described as follows:

Sewer mains on East 47th Street, from alley east of Red River Street to Red River Street; on Red River Street, from East 47th Street north to Lot 1 of this Subdivision; in East 48th Street, from Red River Street to Caswell Avenue.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Thirty-Seven Hundred Dollars (\$3700.00) when completed, of which cost the sum of Seventeen Hundred Dollars (\$1700.00) is estimated to be the cost of the water lines and the sum of Two Thousand Dollars (\$2000.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations of the City, which are assumed for the benefit of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Thirty-Seven Hundred Dollars (\$3700.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and event over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after the completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines, described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Gordon Worley has executed this instrument in duplicate, this the ____ day of _____, 1948.

Attest:

City Clerk

CITY OF AUSTIN
By _____ City Manager

Approved:

Gordon Worley

Director of Utilities

Director of Public Works

City Attorney

"

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with the Westminster Presbyterian Church of Austin, Travis County, Texas, for the laying of certain water mains and other pipes in Exposition Boulevard from a point approximately 20 feet north of Warren Street to a point approximately 60 feet south of Carlton Street, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and WESTMINSTER PRESBYTERIAN CHURCH, of Austin, Travis County, Texas, acting herein by and through its Board of Trustees, hereinafter for convenience sometimes called the Customer,
W I T N E S S E T H :

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Two-inch (2") cast iron water main in Exposition Boulevard, from a point approximately 20' north of Warren Street to a point approximately 60' south of Carlton Street.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Four Hundred Dollars (\$400.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service to him, agrees to deposit the sum of Four Hundred Dollars (\$400.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains, until the total amount of the cost of construction of the

utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Westminster Presbyterian Church, acting by and through its Board of Trustees, has caused this instrument to be executed in duplicate by Tom Miller, Chairman of the Board of Trustees, this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____

City Manager

City Clerk

WESTMINSTER PRESBYTERIAN CHURCH

Approved:

BY _____

Director of UtilitiesTom Miller, Chairman of
Board of Trustees_____
Director of Public Works_____
City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : Herman Jones, Attorney for V. A. Cuneo, Mrs. Minnie West, and
Mrs. C. H. Teich

I. Referred to the Board by the City Council on : February 19, 1948

II. Property affected:

All of Lots 35, 36, and 37, Duval Heights, not now owned by the State of Texas, being property located at the southeast corner of the intersection of State Highway No. 20, State Highway No. 29, and Middle Fiskville Road.

III. To be changed

From: "A" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District

IV. Considered by the Board on : March 4, 1948

V. Parties appearing:

For : Herman Jones and V. A. Cuneo

Against: None

VI. Action of the Board: Change recommended to include property in the amended application.

For the following reasons:

1. This application is for the extension of an existing commercial zone along Highway 29 south of the intersection with Middle Fiskville Road and Highway 20 and would include three tracts of land; however, the applicants' Attorney affirmed that he wishes to amend his petition to include additional property at this intersection as described above in order to more nearly harmonize with the existing commercial zone on the south.
2. The property on the west side of this intersection is zoned for commercial uses and the Board deemed that the property in question is better suited to commercial development than residence and

that the change would be a logical extension of the present commercial district toward the north.

(Sgd) H. F. Kuehne
Chairman.

Councilman Bartholomew moved that a public hearing on the application of the said Herman Jones, Attorney for V. A. Cuneo, Mrs. Minnie West, and Mrs. C. H. Teich be called for Thursday, April 1, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Raymond Campi

I. Referred to the Board by the City Council on : February 13, 1948

II. Property affected:

Lot 18, Block B, Raymond Subdivision, Outlot 2, Division "Z",
being known as 1118 West 6th Street

III. To be changed

From : "C" Commercial District

To : "C-2" Commercial District

IV. Considered by the Board on : March 4, 1948

V. Parties appearing:

For : Raymond Campi

Against: Mrs. Albert Moehr, for Mrs. G. Flury; Miss Madge Simmons;
John Gaines, for himself, Max Snaman and W.S. Martin;
Mrs. Granberry for herself, and Miss Lucile Morely;
Mrs. N. F. Pease; and Howard Taylor

VI. Action of the Board: Change not recommended

For the following reasons:

1. The applicant is requesting the change on his lot to permit the operation of a package store in one portion of a commercial

building which he has recently erected on his lot, the building being divided into three compartments for rental purposes, on the grounds that he has had an offer for this type of business.

2. Opposition was expressed by several property owners in the neighborhood on the grounds that they did not want beer, wine or liquor sold at this location either by the drink or in packages, and that there were other objectionable uses now permitted in a "C-2" Commercial District.
3. The Board deemed that this change should not be made since it would create a spot zone in the middle of a block not in response to any public demand or necessity but only requested for the purpose of getting more revenue and for the benefit of one property owner, and that this use is not needed in the neighborhood as shown by the vigorous protests of adjacent property owners.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the application of the said Raymond Campi for change in zoning be called for Thursday, April 1, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION.

Applicant: Gibson Randle, Attorney for Mr. and Mrs. Joe C. Prowse

I. Referred to the Board by the City Council on : February 26, 1948

II. Property affected:

A 142'x125' tract located at the northeast corner of Duval and East 43rd Streets and more particularly described in the attached application.

III. To be changed

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and Second Height and Area District

IV. Considered by the Board on : March 9, 1948

V. Parties appearing:

For : Gibson Randle and Joe O. Prowse
Against: None

VI. Action of the Board: Change recommended

For the following reasons:

1. The applicant's property is located at the northeast corner of an intersection of which two corners are already zoned and developed for business and the owner affirms that the application for the change is made in response to a demand for additional property in this community center to serve the increasing development of this section of the City.
2. The Board deemed that this change would be logical in view of the surrounding development at this intersection, the trend of which was started prior to the passage of the Zoning Ordinance, and that commercial uses on this property would meet the needs of a rapidly growing community.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the application of the said Gobson Randle, Attorney for Mr. and Mrs. Joe C. Prowse, be called for Thursday, April 1, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION.

Applicant: C. A. Maufrais

I. Referred to the Board by the City Council on : February 19, 1948

II. Property affected:

John C. Wende .44 acre and 2.93 acre tracts out of Lot 11, Block B, Bouldin Subdivision, Isaac Decker League, being located on the east side of Fredericksburg Road south of Barton Springs Road.

III. To be changed

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and Second Height and Area District

IV. Considered by the Board on : March 4, 1948

V. Parties appearing:

For : C. A. Maufrais

Against:None

VI. Action of the Board: Change recommended

For the following reasons:

1. The property requested to be changed consists of 3.37 acres lying between the Fredericksburg Road and the railroad and is immediately opposite a commercial zone on the west side of Fredericksburg Road which was recently created.
2. The Board deemed that this property is not suitable for residential development due to its topography, its proximity to the railroad, and the surrounding development and zoning classification of property on the west side of Fredericksburg Road, and that to change the zoning to commercial would be in harmony with property across the street.

"H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the said application of C. A. Maufrais for change in zoning be called for Thursday, April 1, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Ed Meier

I. Referred to the Board by the City Council on : February 26, 1948

II. Property affected:

Lots 23 to 28, inclusive, Block B, Murray Place, being located at the southwest corner of North Loop Boulevard and Huisache Street.

III. To be changed

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District.

IV. Considered by the Board on : March 9, 1948

V. Parties appearing :

For : Ed Meier

Against:None. Miss Mollie C. Allison appeared, but offered no objection to the change.

VI. Action of the Board : Change recommended.

For the following reasons:

1. The applicant is asking for this change as an extension of the existing commercial district along Georgetown Road to permit the enlargement of his tourist court, and affirms that the only entrance to the cabins will be from Georgetown Road with a setback of 26 feet from Hulsache Street and 16 feet from North Loop Boulevard, and that he intends to landscape the setback areas adjacent to these two streets so that the appearance will not be objectionable to adjacent property.
2. One adjacent property owner appeared but offered no objection to the development as explained by the appellant.
3. The Board deemed that to change this property to "C" Commercial District would not be objectionable to the surrounding property owing to the proposed development which would be an extension of an existing use on Georgetown Road, and would be in harmony with depths of other commercial property along Georgetown Road which have been created to care for the exceptional depth needed for tourist court development.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on said application of Ed Meier for change in zoning be called for Thursday, April 1, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of Otis L. Bush for change in zoning, from "A" Residence District to "B" Residence District, of Lot 11, Mont-Dale Addition, fronting approximately 200 feet on Exposition Boulevard, 187.4 feet on Warren Street, and 191.08 feet on Carlton Road, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of Mrs. Mary Lee Miller for change in zoning, from "C" Commercial to "C-1" Commercial, of Lot 4, Block 36, Division "E", located in the 1700 block of Guadalupe Street, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of Moore Conner for change in zoning, from "C" Commercial District to "C-1" Commercial District, of the east 32 feet of Lot 5, Block 36, Division "E", located in the 300 block of West 17th Street, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Paul O. Simms for change in zoning, from "C" Commercial District to "C-1" Commercial District, of the west 96 feet of Lot 5, Block 36, Division "E", known as 1701 and 1703 Guadalupe Street, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Mrs. D. W. Lanier, by W. L. Bradfield, for change in zoning, from "B" Residence District to "C" Commercial District, of the south portion of a 2.55 acre tract out of Outlot 5, Division "E", now zoned as "B" Residence District, located south of West 12th Street and east of Shoal Creek, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Serapio Sanchez, by David J. Pickle, for change in zoning, from "C" Commercial District to "C-1" Commercial District, of the east 50 feet of Lot 10, Block 2, Riverside Addition in Outlot 36, Division "O", located at 1811 East 1st Street, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of E. T. McGregor for change in zoning, from "C" Commercial District to "C-2" Commercial District, of the north 64 feet of Lot 19, Outlot 57, Division "E", located at 1809 San Jacinto Street, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of BERKLEY, by Edward Berkley, 133 East 6th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of THE SHEIK, by Alex Habeeb, 525 East 6th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the GREEN TOP CAFE, 6406 Dallas Highway, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of E. E. NEELY, 2200 Nueces Street, for a license to operate as a private boat one home-made, inboard, Utility, 1948 Model, 6-passenger boat, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of DOUGLAS NOLAN MEREDITH, 1405 West 5th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Engine No. RA-379992, State License No. JB-4644, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of EUGENE JOE JORDAN, 1504 Newfield Lane, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, 1947 Model, Motor No. EAA-32642, State License No. HX-1626, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the application be approved. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of EUGENE JOE JORDAN, 1504 Newfield Lane, for a license to operate as a taxicab, a 4-door Sedan, 1948 Model, Fleet Master, Motor No. FAA-102386, State License No. JC-2577, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of WILTON SCONCI, 1217 West 8th Street, for a license to operate as a taxicab, a 4-door Ford Deluxe Sedan, 1947 Model, Motor No. 799A-1629440, State License No. JC-3677, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes: None

The application of LUTHER E. BUCK, 2519 Lake Austin Boulevard, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, 1941 Model, Motor No. AA-14043, State License No. JA-3573, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of CECIL L. CLARK, 228 Oak Grove Courts, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, 1948 Model, Motor No. FAA-62627, State License No. HV-9042, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JOSEPH BENJAMIN DRURY, 1016 West Milton Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of FRED C. URIAS, 909 Nile Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilmen Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of ROBERT LEE THOMAS, 1187 $\frac{1}{2}$ Comal Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HAROLD W. SAVAGE, 504 Walsh Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of J. W. McCASLIN, JR., 2210 Haskell Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes: None

The application of ROBERT STEWART BALLARD, JR., 3308 Jefferson Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of JOSEPH LUTHER DENNIS, Riverside Tourist Courts, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of EDWARD HERNANDEZ, 2601 Hidalgo Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of FREDERICK NOVAK, JR., 4900 Avenue H, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of FIDENCIO TALAMANTES SORIA, 2317 Sabine Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of ANDRES GARZA, 910 East 9th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The application of JESSIE JAMES PARK, JR., 1400 Newning Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the

following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

The following memorandum was submitted by the City Manager:

"March 9, 1948

Memorandum to: Guiton Morgan, City Manager

Memorandum from: J.E. Motheral, Director of Public Works

Bids were received this morning for the relining of the fire walls in the furnaces, combustion chambers and pre-heaters in the Incinerator. The bids were as follows:

CONTRACT "A" - Removing old refractories and relining the fire walls and arches for two 3-unit furnace chambers and two combustion chambers:

J. M. Odom ----- \$28,715.00

E. B. Sneed ----- \$21,850.00

CONTRACT "B" - Removing old refractories and reconstructing two recuperator units:

J. M. Odom ----- \$ 9,719.00

E. B. Sneed ----- 6,375.00

These bids are slightly above our estimates; however, the estimates were made in early November of last year and since then skilled labor rates have increased from \$1.75 to \$2.50 per hour and refractory prices have increased approximately 30%. We have a total of \$18,700.00 in our budget for the reconstruction of these units plus \$2,700.00 that could be applied toward materials for the pre-heaters.

The walls of the furnaces and combustion chambers are in serious condition and I do not believe it would be advisable to delay their reconstruction and I recommend that the contract be awarded to E. B. Sneed for \$21,850.00. I believe that with our own forces and the \$2,700.00 available for maintenance of the pre-heaters that we will be able to keep them in operation for another year, and I recommend that Contract "B" not be awarded. "

Councilman Bartholomew moved that the recommendations of the City Manager and the Director of Public Works be approved and the bid of E. B. Sneed under Contract "A", in the amount of \$21,850.00, be accepted as the lowest and best bid; and that Contract "B" be not awarded. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry
Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$3,150.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of reconstructing the fire walls in the furnaces and combustion chambers of the Incinerator.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The written request of Radio Station KTBC for permission to use Wooldridge Park on the nights of the first and second Democratic Primaries for the purpose of broadcasting the election returns was received. It was moved by Mayor Miller that the request be granted, but that the matter of exclusive use be considered later. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

A communication from the Anti-Noise Committee of the Chamber of Commerce, inclosing a proposed ordinance prohibiting unnecessary noises in the City and providing penalties therefor, which they asked be enacted, and all city ordinances on the subject now in effect be repealed, was received. Councilman Bartholomew moved that the matter be referred to the City Manager, the Legal Department, and the Police Department for study and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: _____

Tom Miller
MAYOR

Attest:

Helene McKeen

CITY CLERK